

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

JUDY STEWART,

Petitioner,

v.

07-cv-582-WSD-CCH

METRO STATE PRISON.,

Defendant.

OPINION AND ORDER

This matter is before the Court on the Report and Recommendation [2] issued by Magistrate Judge Hagy denying and dismissing without prejudice Petitioner's habeas corpus claim pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. Because no objections to the Report and Recommendation have been filed, the Court must conduct a plain error review of the record. United States v. Slay, 714 F.2d 1093, 1095 (11th Cir. 1983), cert. denied, 464 U.S. 1050 (1984).

The Magistrate Judge found that because Petitioner did not set forth, with particularity, what convictions she challenges; when those convictions occurred; what court handed down the convictions; whether state court remedies have been exhausted; the proper party respondent; and the facts and circumstances that


demonstrate that she is entitled to relief, Petitioner did not demonstrate that she is incarcerated in violation of the Constitution. The Magistrate Judge further held that because Petitioner has neither appealed nor sought state habeas corpus relief in state court, this Court is barred from granting any relief.

After careful review, the Court finds no plain error in the Magistrate Judge's conclusions on the merits of Plaintiff's claim.

Accordingly,

IT IS HEREBY ORDERED that the Court **ADOPTS AS ITS ORDER** the Magistrate Judge's Report and Recommendation [2]. The Clerk of Court is **DIRECTED** to **DISMISS** the case.

SO ORDERED this 28th day of June, 2007.



WILLIAM S. DUFFEY, JR.
UNITED STATES DISTRICT JUDGE